

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for

Fallbrook Recycling and Transfer

SWIS No. 37-AA-0923

March 12, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Diego Department of Environmental Health – Solid Waste Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Fallbrook Recycling and Transfer located in the unincorporated community of Fallbrook, and owned by EDCO Disposal Corporation, and operated by Fallbrook Refuse Services. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on January 24, 2014. Action must be taken on this permit no later than March 25, 2014. If no action is taken by March 25, 2014 the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Project:

The following changes to the first page of the permit are being proposed:

	Current Permit (2003)	Proposed Permit
Facility Address & Mailing Address of Operator	Fallbrook Recycling and Transfer 550 West Aviation Road Fallbrook, CA 92928	Fallbrook Recycling and Transfer 550 West Aviation Road Fallbrook, CA 92028
Permitted Operation	Transfer Station Material Recovery Facility Processing Facility	Transfer/Processing Facility
Permitted Traffic Volume	Average Daily Trips - Total: 783 PCE/Day Collection Trucks - Maximum 224 PCE/Day Transfer Trucks - Maximum 184 PCE/Day Self-Haul Trucks - Maximum 375 PCE/Day Staff – 400 PCE/Day * See LEA Conditions 16.e.	Deleted
Key Design Parameters	Total Permitted Facility Including Transfer, Material Recovery & Processing – 4.41 Acres	Maintenance, Storage and Handling Areas – 4.41 Acres

	Maintenance, Storage and Handling Areas – 4.41 Acres Design Capacity – 792 Tons/Day See RSI Page III-12 Design Calculations	Design Capacity ** - 792 Tons/day ** See TPR 4.0 Operations Plan
LEA Address	San Diego County Department of Environmental Health 9325 Hazard Way San Diego, CA 92123	County of San Diego Department of Environmental Health Solid Waste Local Enforcement Agency 5500 Overland Avenue, Suite 170 San Diego, CA 92123

Other Changes include:

1. Submittal of a revised Transfer/Processing Report (TPR), dated October 2013, to reflect the updates and current operating conditions; and
2. Revisions to the following sections of the SWFP: “Legal Description of the Facility,” “Findings,” “Documents,” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues:

The proposed permit will correct the site location and mailing address zip code, update the LEA address, update the permit Findings, and update the Transfer/Processing Report to correct grammatical and typographical errors and current operating conditions. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated January 24, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 16, 2013. The LEA provided a copy to the Department on April 26, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on January 24, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 24, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element, as described in their memorandum dated February 6, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 27, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on January 24, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on February 27, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer/processing facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2012 – 2014 (February), No violations were noted.
- 2011 (October) – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions
- 2009 – 2010, No violations were noted.

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of

the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes in the proposed permit include corrections to the site location and mailing address zip code, update the LEA address, and update the permit Findings; along with other changes for the purpose of updating and/or clarifying the permit. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days or hours of operation.

A Subsequent Negative Declaration (ND), State Clearinghouse No. 2003031028, was adopted by the San Diego County Planning Commission on April 11, 2003. The Negative Declaration describes changes in the permitted peak tonnages, peak number of vehicles and the location of off-loading by self-haul vehicles outside the transfer station building of non-putrescible waste and the location of off-loading green waste outside the transfer station building. The project analysis concluded that any subsequent physical environmental impacts caused by the project would be less than significant.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental documents and will file a Notice of Exemption, pursuant to 14 CCR, Section 15301, Categorical Exemption, Class 1 – Existing Facilities following the issuance of the modified SWFP. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in,

or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 18, 2014.